REMARKS/ARGUMENT

Applicant responds herein to the Office Action dated May 4, 2001.

The comment in paragraph 1 of the Office Action concerning the requirement for formal drawings is noted.

Responsive to the objection to the drawings, the "means for connecting" has been deleted from Claim 1. The recitation that the mirror element is fixed to the pole is fully supported in the specification. It is believed that the terminology affixed is broad enough and encompasses any mode of connection or affixation between the pole and the mirror element. Withdrawal of the objection to the drawings is accordingly requested.

Figure 1 has been labeled with the legend "Prior Art".

Responsive to paragraph 5 of the Office Action, the recitation that the "foreign" patents are incorporated by reference is clearly a typographical error. No foreign patents have been listed to be incorporated by reference. The words "foreign patents" was intended to read "aforesaid patents". Further, the specification has been amended to avoid the issues raised by the Examiner at the bottom of page 3 of the Office Action. Withdrawal of the objection to the specification is respectfully solicited.

The applicant has amended Claims 3 and 6 to avoid the grounds of rejection thereof under 35 U.S.C. §112, second paragraph, and the withdrawal thereof is respectfully requested.

Responsive to the rejection of Claims 1-2, 4-6 and 8 under 35 U.S.C. §102(c), the Examiner's kind attention is respectfully drawn to the MPEP §706.02(d) and §2134, wherein it is made quite clear that an "intent to abandon" an invention will not be imputed and every reasonable doubt shall be resolved in favor of the inventor. Particularly with respect to the issue of reapplying for a patent after abandonment of a prior patent application, it has been found that delay in reapplying for a patent after abandonment of a previous application does not constitute abandonment under 35 U.S.C. §102(c), citing *Peterson v. Fee International, Ltd.*, 381 F.Supp. 1071, 182 U.S.P.Q. 264 (W.D. Okla. 1974). Reconsideration and withdrawal of the rejection under 35 U.S.C. §102(c) is therefore requested.

Substantively, Claims 1-6 and 8 stand rejected on grounds of obviousness over Stout in view of Beckham and Horton. Claim 7 stands rejected on grounds of obviousness over

the aforementioned references "with or without" Hasuo. Reconsideration of these rejections based on obviousness is requested in view of the following remarks.

The invention in Claim 1, and of necessity, all of the remaining claims, is directed to a mirror assembly, specifically one that has a mirror element with a convex, generally dome-shaped and contiguous, mirror surface. More specifically, the mirror surface proceeds in the vertical direction from an uppermost position to a lowermost position, along a convex periphery which faces towards the vehicle and on which the mirror is mounted. Most importantly, a portion of the surface which comprises no more than one-half of the surface taken in the vertical direction, beginning from the uppermost portion on the image surface, is treated to reduce glare.

At the outset, it is important to note that the treated portion is not opaque and therefore, in effect, non-reflective, so that the portion no longer acts as a mirror surface. Rather, the treatment merely reduces glare from the still reflecting surface.

Clearly, the applicant has not invented the general concept of glare-reducing compounds. In fact, all sunglasses worn by humans are, in effect, transparent bodies which have been treated to reduce glare. The paint on a vehicle body can affect the glare.

Rather, the invention is specifically directed to a mirror assembly with the mirror element of the type defined in the claims. The stark issue of obviousness being confronted in the present application, is whether the prior art teaches to treat a portion of the surface of a particular type of a mirror element to reduce glare. It respectfully submitted that the prior art of record does not provide such a teaching, or even a suggestion of the present invention.

The primary Beckham reference does not deal with a mirror element. Rather, it deals with an otherwise transparent vehicular window where clearly it is desirable to see straight through the window pane, in order to provide the driver visual access to the area in front of the vehicle. It is commonly known to tint the upper portion of a vehicle windshield to reduce glare. There is no teaching to treat a mirror to reduce glare.

The combination of the teachings in the Stout and Beckham references does not teach to provide glare reduction treatment on a mirror surface. Respectfully, conventional wisdom would suggest that it is would not be necessary at all to provide a mirrored surface at the location where glare might emanate from. It is not necessary to see "through" a mirror and

mirror portion that might produce glare is better off not to exist or to be painted opaque. The present invention is specifically directed to school buses which present special safety considerations. To this end, the applicants have contributed in a novel fashion the concept of providing a mirror surface that provides a larger viewing area, while tending to reduce the glare problem by providing a partial treatment of the mirrored surface with a glare-reducing agent. Such is not disclosed or suggested in the Beckham reference.

The foregoing may have been recognized by the Examiner, who therefore, also has cited the Horton reference which discloses a rear-view mirror. However, the Examiner has misapplied this reference and has incorrectly concluded that this reference "teaches that a portion of the mirror element is treated for reducing glare." To the contrary, Horton teaches a mirror with a reflective field designated by numeral 1. That reflective field is not of concern to Horton from the sense of having to deal with a glare problem produced by the reflective surface. Rather, the concern is that the border or frame 2 which holds the mirror element and which is typically constructed of a margin 3 made of chromium-plated or otherwise brilliantly-finished material will reflect light rays into the observing eyes of the driver so as to interfere with the image provided from the reflective surface.

Thus, the problematic area is not the mirror element, but rather the chrome-plated frame which surrounds the mirror.

To solve that problem, Horton proposes a band or border 4 made of "a non-reflecting finish". The purpose of that band or border 4 is to clearly define and separate the reflective field from the bright or reflective margin 3. See the right-hand column at lines 75-82. Thus, this reference teaches that the mirror surface is not treated at all. Rather, it is separated by an opaque, i.e., fully non-reflective, band or border from the glare-producing frame. The Horton solution creates an opaque gap between the reflective mirror surface and the problematic glare-producing frame. The opaque band is not a disclosure of the present invention, because it is not located on the mirror and because it is opaque, not merely treated with a glare-reducing agent.

In the present invention, the application of a glare-reducing compound or treatment means that one can still see the image in the underlying mirror surface, albeit the glare from the treated portion is reduced. Therefore, the invention of Claim 1 is not taught by the

combination of the cited references. Nor indeed, is there any suggestion in any of the cited references that their teachings should be combined along the lines taught by the present inventor.

Nor is there any suggestion in any of the references of the specific locations on a mirror element where anti-glare treatment shall be provided.

The Examiner has referred the applicant to pages 150-152 and Figure 5 of the Japanese language Hasuo document. The applicant's undersigned representative and the applicant cannot read this Japanese language reference. If the Examiner has obtained a translation or an explanation of the disclosure in this document pursuant to MPEP §901.05(d), it is respectfully requested that information obtained through such services be provided to the applicant. It appears in Figure 5 of this reference that the subject matter disclosed concerns a windshield as in the Beckham reference, and not a mirror element which is at the heart of the present invention. All in all, it is believed that the cited prior art does not teach or disclose or suggest the invention of the claims in the present application. It is therefore submitted that all of the claims in the application clearly merit to be allowed over the cited prior art.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on August 2, 2001:

Max Moskowitz
Name of applicant, assignee or Registered Representative

Signature

August 2, 2001
Date of Signature

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Respectfully submitted,

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APPENDIX A

"CLEAN" VERSION OF EACH PARAGRAPH/SECTION/CLAIM
37 C.F.R. § 1.121(b)(ii) AND (c)(i)

SPECIFICATION:

Replacement for the paragraph beginning at page 1, line 17:

These mirrors are very well known in the art, as exemplified by the 1933 U.S. Patent No. 1,905,623 to Deitz. Similar mirrors are also disclosed in United States Patent Nos. 4,436,372; 4,512,634; 5,005,963; 4,500,063; 4,938,578 and many other similar patents. The contents of the aforesaid patents are incorporated by reference herein.

Replacement for the paragraph beginning at page 3, line 19:

Figs. 2A, 2B and 2C show front views of several spherical mirrors for school buses which have been treated to reduce glare.

CLAIMS (with indication of amended or new):

1. (Amended) A mirror assembly providing a wide angle field of view both in a horizontal and a vertical direction along the front and at least one side of a bus type vehicle, the assembly comprising:

a mirror element;

a mirror pole;

the mirror element being affixed to the mirror pole;

a mirror mount for connecting the mirror pole to a front fender of the bus type vehicle; and

the mirror element having a convex, generally dome shaped and contiguous mirror surface surrounded by a peripheral edge, the mirror surface proceeding in said vertical direction from an uppermost position to a lowermost vertical position along a convex periphery which faces toward the vehicle on which the mirror is mounted, a portion of the surface which

comprises no more than one-half of the surface taken in the vertical direction, beginning from the uppermost position on the mirror surface, being treated to reduce glare.

3. (Amended) The mirror of claim 1, wherein the portion treated to reduce glare is located in spaced relation to and not in contact with any portion of the peripheral edge of the mirror surface.

6. (Amended) The mirror of claim 5, in which the oval shape surface has associated therewith a minor axis and a major axis and the portion treated to reduce glare is located in an upper portion of the mirror surface relative to the major axis of the mirror.

APPENDIX B

VERSION WITH MARKINGS TO SHOW CHANGES MADE
37 C.F.R. § 1.121(b)(iii) AND (c)(ii)

SPECIFICATION:

Replacement for the paragraph beginning at page 1, line 17:

These mirrors are very well known in the art, as exemplified by the 1933 U.S. Patent No. 1,905,623 to Deitz. Similar mirrors are also disclosed in United States Patent Nos. 4,436,372; 4,512,634; 5,005,963; 4,500,063; 4,938,578 and many other similar patents. The contents of the [foreign] aforesaid patents are incorporated by reference herein.

Replacement for the paragraph beginning at page 3, line 19:

Figs. 2A, 2B and 2C show front views of several [conventional] spherical mirrors for school buses which have been treated to reduce glare.

CLAIMS:

1. A mirror assembly providing a wide angle field of view both in a horizontal and a vertical direction along the front and at least one side of a bus type vehicle, the assembly comprising:

a mirror element;

a mirror pole;

[means for connecting] the mirror element being affixed to the mirror pole;

a mirror mount for connecting the mirror pole to a front fender of the bus type vehicle; and

the mirror element having a convex, generally dome shaped and contiguous mirror surface surrounded by a peripheral edge, the mirror surface proceeding in said vertical direction from an uppermost position to a lowermost vertical position along a convex periphery which faces toward the vehicle on which the mirror is mounted, a portion of the surface which comprises no more than one-half of the surface taken in the vertical direction, beginning from the uppermost position on the mirror surface, being treated to reduce glare.

3. The mirror of claim 1, wherein the portion treated to reduce glare is located in spaced relation to and [in] not in contact with any portion of the peripheral [edges] edge of the mirror surface.

6. The mirror of claim [1] 5, in which the oval shape surface has associated therewith a minor axis and a major axis and the portion treated to reduce glare is located in an upper portion of the mirror surface relative to the major axis of the mirror.